THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.25274 OF 2005

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Dated 28-11-2005

Between:

The Deputy Chief Traffic Manager,

APSRTC, Visakhapatnam (Rural).

…Petitioner

And

The Regional Secretary,

APSRTC Staff & Workers Federation,

Waltair Depot and another.

…Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.25274 OF 2005

ORDER:

This writ petition is filed by the A.P.S.R.T.C., challeinging the award dated 27-07-2004, passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, in I.D.No.124 of 2003.

A person by name, Gafoor, was employed as Driver in the A.P.S.R.T.C. When he was working in the Waltair Depot, disciplinary proceedings were initiated on the allegation that he drove the Bus, on 25-04-1994, in a rash and negligent

manner, resulting in grievous injuries to passengers, and damage to the Bus. An Enquiry Officer was appointed, and on the basis of the report submitted by him, the Depot Manager imposed the punishment of stoppage of increments, for a period of one-and-half years, with cumulative effect. It was also directed that a sum of Rs.1,000/- be recovered in ten installments, and the period of suspension, be not treated as on duty. It was confirmed in the appeal.

The Workers Federation, the 1st respondent herein, espoused the cause of the employee and raised an industrial dispute, which was taken up as I.D.No.124 of 2003. Before the Labour Court, the entire record, in the form of Exs.M-1 to M-23, was placed. On a discussion of the matter, the Labour Court found that the punishment imposed against the employee was not justified and set aside the same.

Heard the learned Standing Counsel for the Corporation.

The Labour Court discussed the contentions advanced on behalf of the parties, with reference to the material before it, extensively. It took the view that the two witnesses examined by the Management, *viz.,* the Conductor and the Chief Inspector, did not state anything against the employee. It was observed that the Chief Inspector, who has recorded the evidence of the witnesses, on the spot, did not file the recorded statements before the Court, nor did he state any reasons for the same. Therefore, the Labour Court has drawn an adverse inference.

Learned Standing Counsel for the Corporation is not able to point out any material irregularity in the award of the Labour Court. Hence, the writ petition is dismissed. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.28-11-2005

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